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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,789	06/17/2002	Marcus Davidsson	004770.00774	8548

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EXAMINER	
AUSTIN, SHELTON W	
ART UNIT	PAPER NUMBER
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/031,789	DAVIDSSON ET AL.	
	Examiner	Art Unit	
	Shelton Austin	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/25/2002 & 9/16/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5, 15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruck et al. (WO 00/64150, hereinafter '150).

In regards to claims 1 and 15, '150 teaches a method, apparatus and computer program product, disposed on a computer readable storage medium for providing a graphical chat user interface on a display associated with a multimedia apparatus, comprising: receiving a broadcast video signal (page 3, lines 22-23; page 6, lines 11-12); receiving text communications from at least one other television viewer (page 4, lines 11-12); displaying said broadcast video signal in a first display area on said display (Fig. 6—118; page 4, lines 3-5; page 14; lines 18-20); determining the identity of the television programming displayed in said first display area (page 15, lines 6-8; page 18, line 6); determining the theme of said television programming identity (page 3, lines 15-17; 6-8); selecting a background (user interface template) image from an image database (page 18, lines 15-21), said background image matching said theme (page 19, lines 1-2); inserting said background image as a background in a second display area on said display (page 19, lines 1-8); and superimposing said text communications

on top of said background image in said second display area (page 19, line 4—chat region).

In regards to claim 4, '150 teaches the method of claim 1, wherein said image database is residing in a memory device associated with said multimedia apparatus (page 18, lines 18-19).

In regards to claim 5, '150 teaches the method of claim 1, wherein said image database is residing on the Internet (page 18, 15-17).

In regards to claims 18 and 19, '150 teaches a computer program product, disposed on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the method of claim 1, and also a computer program product, directly loadable into the internal memory of a digital computer, comprising software code portions for performing the method according to claim 1 when said product is run on a computer (page 9, lines 7-9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 7-9, 12-17 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. ('150) in view of Liles et al. (US 5,880,731, hereinafter '731).

'150 teaches the limitations of claims 1 and 15 for the reasons above.

In regards to claims 2 and 16, '150 fails to further teach selecting at least one avatar image from the image database, the avatar image being representative of one of the other television viewers; and displaying the avatar image superimposed on top of said background image in said second display area.

In analogous art, '731 teaches a user can select an avatar to represent himself/herself, the avatar being used to represent the user in a chat room that is related to a particular subject (col. 6, lines 34-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to include selecting an avatar to represent a user in a chat room in order to allow the user to select and customize an avatar that relates to the subject matter of the chat room (col. 6, lines 26-34).

In regards to claim 7, '150 fails to teach superimposing the text communications on top of the background image in the second display area close to the displayed avatar image.

In analogous art, '731 teaches a "text balloon" selection that a user can implement when submitting a text to the chat room (Fig. 8; col. 10, lines 4-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to include having the text communications next to the avatar image in order to have the text in a text balloon, therefor displaying the illusion of verbal communication by the user's avatar so that other participants in the chat session will understand the nature of the text received from the user (col. 10, lines 4-28).

In regards to claim 8, '150 fails to teach the text communications that are superimposed on top of the background close to the displayed avatar remains until another text communication is received from another viewer.

In analogous art, '731 teaches a initiating an animation object to produce a gesture accompanied by a text message, the new gesture and text message interrupting any previously initiated animation, which also includes gesture and a text message (col. 10, lines 29-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to include keeping text communication received by another user present until another text communication is received by another user in order to clearly convey the user's current emotional state (col. 10, lines 29-32).

In regards to claims 9 and 17, '150 fails to teach receiving an action input from a television user that is associated with an avatar image displayed in the second display area, selecting an action image corresponding to the action input from the image database and displaying the action image on top of the background in the second display area.

In analogous art, '731 teaches the use of avatars to convey gestures in connection with a text message. The gestures can be selected by the user for display to the other users in the chat room (Figs. 4A-4C; col. 7, lines 18-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to include having actions associated

with the avatars displayed on the background in order to convey different emotions that the user wishes to present to other users in the chat room (col. 7, lines 24-42; 29-32).

In regards to claim 12, '150 fails to teach creating at least one record associated with said multimedia apparatus, said at least one record comprising a list of preferred other television viewers, and superimposing text communications and displaying at least one avatar image associated with at least one other television viewer included in said record, and superimposing text communications and displaying at least one avatar image associated with at least one other television viewer not included in said record.

In analogous art, '731 teaches an exception list a user can define that includes the names of specific individuals with whom the user wants to interact with in the current chat session. Users that are not on the selection list, but are within the user's predefined radius, will also be displayed to the user (col. 11, lines 36-46; col. 12, lines 1-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to include a list defining preferred other television users and displaying the avatar and text from at least one user from the list and at least one user not on the list in order to enable a user to selectively determine who will be, and who will not be, visible to the user in the chat session (col. 11, lines 36-38).

In regards to claim 13, '150 states that the chat room is selected based on an identifying characteristic of the broadcast video signal (page 19, lines 1-2), therefor it would have been obvious to one having ordinary skill in the art at the time the invention

was made that the user not included in the record would be watching the television programming determined to have the same television programming identity as the television programming displayed in said first display area.

In regards to claim 14, '150 teaches that when a user changes to a channel and selects the chat option, a different template is provided based on the identifying characteristics of the particular channel, therefor allowing the user to interact with other viewers of the video signal who are also participating in the chat option (abstract; page 18, lines 15-21; page 19, lines 1-2). '150 fails, however, to teach replacing an avatar image of at least one other television viewer with an avatar image of at least other television viewer based on the channel input.

In analogous art, '731 teaches a number of different avatars, the avatars being based upon the subject matter of the chat session, that are available to the user for representation in the chat room. Therefor, if the subject matter of the chat room changes, the avatars available to the user will change as well (col. 6, lines 23-26 & 35-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 that when a user changes the subject matter of the television programming, the avatar images associated with other viewers would change as well according to the subject matter of the newly selected television programming because appropriate avatars are provided based on the subject matter of the chat session (col. 6, lines 23-24).

In regards to claim 21, '150 teaches wherein said image database is residing in a memory device associated with said multimedia apparatus (page 18, lines 18-19).

In regards to claim 22, '150 teaches wherein said image database is residing on the Internet (page 18, 15-17).

5. Claims 1, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. ('150) in view of Zenith (US 7,036,083, hereinafter '083).

'150 teaches the limitations of claim 1 for the reasons above.

In regards to claim 3, '150 fails to teach selecting a background image from an image database, the background image matching the theme and inserting said background image as a background in a second display area on the display are performed at least two times during the broadcast of said television programming.

In analogous art, '083 teaches changing chat rooms each time the television channel is changed, where the new chat room is related to the newly selected television channel (col. 7, lines 3-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to change the background chat room template each time the channel is changed so that the chat room will correspond to the channel being viewed by the users (col. 7, lines 3-6).

In regards to claim 6, '150 teaches an image database that can reside in a memory device, or on the Internet, but fails to teach downloading said image database via a multiplexed broadcast stream containing the broadcast video signal.

In analogous art, '083 teaches a broadcast signal that can include digital data. The broadcaster broadcasts a trigger, which contains a URL, along with the television video (col. 2, lines 47-57; col. 4, lines 48-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150 to receive data from the broadcaster via a multiplexed broadcast stream containing the broadcast video signal in order to allow the broadcaster to use triggers to have their viewers' receiver units retrieve information from the Internet and display that information in concert with their programming (col. 3, lines 4-7).

6. Claims 1, 2, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. ('150) in view of Liles et al. ('731), and further in view of Zenith ('083).

'150 teaches the limitations of claim 1 for the reasons above.

'150, in view of '731, teaches the limitations of claim 2 for the reasons above.

In regards to claim 20, '150, in view of '731, fails to teach selecting a background image from an image database, the background image matching the theme and inserting said background image as a background in a second display area on the display are performed at least two times during the broadcast of said television programming.

In analogous art, '083 teaches changing chat rooms each time the television channel is changed, where the new chat room is r.0elated to the newly selected television channel (col. 7, lines 3-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150, in view of '731, to change the background chat room template each time the channel is changed so that the chat room will correspond to the channel being viewed by the users (col. 7, lines 3-6).

In regards to claim 23, '150 teaches an image database that can reside in a memory device, or on the Internet, but fails to teach downloading said image database via a multiplexed broadcast stream containing the broadcast video signal.

In analogous art, '083 teaches a broadcast signal that can include digital data. The broadcaster broadcasts a trigger, which contains a URL, along with the television video (col. 2, lines 47-57; col. 4, lines 48-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150, in view of '731, to receive data from the broadcaster via a multiplexed broadcast stream containing the broadcast video signal in order to allow the broadcaster to use triggers to have their viewers' receiver units retrieve information from the Internet and display that information in concert with their programming (col. 3, lines 4-7).

7. Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. ('150) in view of Liles et al. ('731), and further in view of Gordon et al. (US 6,208,335, hereinafter '335).

'150 teaches the limitations of claim 1 for the reasons above.

'150 in view of '731 teaches the limitations of claim 2 for the reasons above.

In regards to claims 10 and 11, '150, in view of '731, teaches the use of avatars to convey gestures in connection with a text message. The gestures can be selected by the user for display to the other users in the chat room. '150, in view of '731, fails to teach displaying an action image superimposed on top of the television programming.

In analogous art, '335 teaches a graphics layer that comprises OSD (on-screen display) overlay(s) including graphical objects. The overlay(s) are displayed over the video layer. The graphics can be transparent (col. 3, lines 26-34; col. 7, lines 32-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of '150, in view of '731, to display a graphic image over the broadcast video in order to facilitate certain interactive functions for the user (col. 3, lines 3-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ability for the graphics to be transparent in order to allow much of the underlying video to be seen while positioning certain graphics upon the video (col. 3, lines 29-32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 7:30-5:00. The examiner can also be reached on alternate Fridays from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker whose telephone number is (571) 272-0911, can be reached on Monday through Thursday from 7:30-5:00. The supervisor can also be reached on

alternate Fridays from 7:30-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin
1/30/2007
SA

JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER